

'They Call My Darling Jane'

For sale just one week and over 500 copies gone. How do you like the chorus:

Oh! they call my darling Jane, It's a plain, old-fashioned name, That perhaps don't quite suit A maiden so cute, It's a fairly good name, all the same, Darling Jane!

Perry Brothers

203 Wyoming Ave.

AMATEUR PHOTOGRAPHY

Depends largely upon the supplies. The right kind at

KEMP'S, 103 Wyoming Avenue

DR. H. B. WARE, SPECIALIST. Eye, Ear, Nose and Throat

Will return Sept. 1. Williams Building, Opp. Postoffice.

UNION LABEL

CITY NOTES

MEETS TONIGHT—Members of Company D, Thirtieth regiment, are requested to meet at the armory at 8 p. m.

BANKRUPTCY PETITION—Thomas Butler, boot, of Dunmore, has been declared a bankrupt. His liabilities are \$150 and his assets \$120.

VAN COTT COMING—Postmaster Van Cott, of New York, yesterday engaged rooms at the Jermyn for himself and son during the letter carriers' convention week.

LEGS CRUSHED—Thomas Barrett, of Prospect avenue, had his legs badly crushed while at work at the South mill Sunday. He was removed to his home for treatment.

PAY-DAYS—The Delaware and Hudson company paid its employees of the Honesdale branch Saturday. Yesterday the men at the Carbondale yard and engine crews north of this city were paid.

RELEASED FROM THE PEN—Muztal Villard and Frederick S. Rogan, Lackawanna county prisoners in the Eastern penitentiary were released yesterday. They served three years each. Rogan was convicted of attempting to commit a criminal assault and Villard of burglary.

TWO MEN INJURED—Thomas Hatfield and Martin Mulderick were injured yesterday by a steel rail falling on their feet. The former sustained a compound fracture of the ankle and Mulderick's foot was badly bruised and lacerated.

CHILD WAS STILL BORN—Coroner Roberts was called to Prieberg yesterday afternoon to investigate the cause of a death where the services of a physician were not had and where a burial permit had been refused. The coroner found that a child, still born, had arrived at the home of Mr. and Mrs. Anderson Muehs. The mother had not been attended by a physician. A burial certificate was granted.

PROF. GENTRY'S CIRCUIS

It Pleas'd Two Large Audiences That Saw It Yesterday.

Prof. Gentry's famous dog, pony and monkey show pitched their tents on the Ash street grounds yesterday and gave two wonderful exhibitions.

The afternoon performance was attended by a very large crowd and thoroughly enjoyed by all. The marching and military maneuvers of the ponies, the jumping and other feats by the monkeys were entirely as represented and pleased everybody.

A street parade will be given this morning at 10 o'clock and the performance will be repeated this afternoon and evening.

SLATE PICKERS ON STRIKE

Forty slate pickers employed at Johnson's colliery went on strike yesterday. They want an increase in pay.

The pickers working in the stove coal chutes receive 25 cents a day. They ask for an increase of 25 cents more a day. The boys at the other chutes want an increase of 10 cents a day.

To the Members of the Republican County Committee.

Notice is hereby given that a meeting of the Republican county committee of Lackawanna county will be held on Saturday, August 19, 1899, at 2 o'clock p. m., at Republican headquarters in the Price Building, Scranton, Pa., for the purpose of fixing a time for holding the primary election as provided for in rule 7, of the rules of the Republican party of Lackawanna county, which reads as follows:

"The primary election shall be held each year at the date fixed by the committee. Notice of the date of said election shall be given by the chairman at least thirty days before the date fixed for holding same, by publication in at least two Republican papers, published in Lackawanna county."

The course of decision in this case is earnestly requested to be present.

By order of: E. N. Willard, Chairman. Attest: J. E. Watkins, Secretary. Scranton, Pa., Aug. 14, 1899.

Mrs. Winslow's Soothing Syrup. Has been used for over FIFTY YEARS by MILLIONS OF MOTHERS FOR THEIR CHILDREN WHILE TEETHING WITH PERFECT SUCCESS. IT SOOTHES THE CHILD, SOFTENS THE GUMS, ALLEYS ALL PAIN; CURES WIND COLIC, AND IS THE BEST REMEDY FOR DIARRHOEA. Sold by Druggists in every part of the world. Be sure and ask for Mrs. Winslow's Soothing Syrup, and take no other kind. Twenty-five cents a bottle.

POOR DIRECTOR AN ELECTIVE OFFICE

THAT IS THE DECISION OF JUDGE H. M. EDWARDS.

Opinion in the Poor Board Case Was Handed Down Yesterday—Frank J. Dickert Is Allowed to Continue in Office—He Was Appointed to Fill a Vacancy as Is Provided by the Act of Assembly—Act of 1866 Is Constitutional—The Full Text of Judge Edwards' Opinion.

Judge H. M. Edwards yesterday handed down the long expected opinion in the poor board case. He decides that a poor director should be elected but that Frank J. Dickert is entitled to continue as poor director for the South ward of this city, because he was appointed to fill a vacancy. The opinion in full is as follows:

This proceeding is instituted for the purpose of inquiring into the title of F. J. Dickert, as poor director of the poor of the Scranton Poor District. The writ of quo warranto issued in the beginning of April, 1899, is still pending. By proper procedure, under the act of assembly, Mr. Dickert was substituted as respondent, he having been appointed to fill the vacancy caused by the resignation of Mr. Terpe. Hence the parties to the record now before us are the Commonwealth, plaintiff, and F. J. Dickert, respondent.

It appears that Mr. Terpe was appointed poor director by the President Judge of our court of Common Pleas, in March, 1898, for a term of three years from the third Friday of March, 1896. The appointment was made March 23, 1896. Mr. Terpe, after serving sometime, resigned his office on December 14, 1898, and his resignation was accepted on the same day. Thus the territory formerly known as the South Ward of the Borough of Scranton was left without representation on the Poor Board. In other words, there was a vacancy.

On March 2, 1899, F. J. Dickert was appointed to fill this vacancy. An examination of the legislation relating to the conclusion that the regular term of the representative from the South Ward ended March 17, 1899, so that there was only fifteen days of the term remaining when Mr. Dickert was appointed. He is now continuing over until his successor is duly appointed, or elected, as the law might be determined on this question. This brief statement shows the status of the case and the pleadings as they are now before us.

SEVEN DIFFERENT ACTS.

The legislation creating the Scranton Poor District, as it is now called, and regulating its affairs, is comprised in seven different acts, or acts or supplements. We shall only refer to two. The consideration of the others is not material in the discussion of this case. The first act, which was passed April 9, 1862, (P. L. 352) under the title of "An Act to authorize the erection of a Poor House by the Borough of Scranton, in the Township of Providence, in the County of Luzerne." The only part of this act requiring our attention is to be found in section 3, providing for the filling of vacancies. It is in these words: "And in case of a vacancy occurring in the board of directors of the poor of the borough of Scranton, by death, resignation or otherwise, it shall be the duty of the court of Quarter Sessions of the county of Luzerne to call a special meeting of the board to fill such vacancy for the unexpired term of the director causing the same."

A supplement was passed March 16, 1864, (P. L. 220) having the following title: "A further supplement to an act entitled 'An Act to authorize the erection of a poor house by the Borough of Scranton, in the Township of Providence, in the County of Luzerne,' approved the 9th day of April, A. D. 1862." Section 2 of this supplementary act provides that "whenever hereafter whenever any vacancy shall occur in the board of directors, created in pursuance of the act to which this is a supplement, whether such vacancy occur by the expiration of the term of office, or otherwise, the same shall be filled by the appointment of the President Judge of the court of Common Pleas in and for the county of Luzerne, at a regular term of said court, upon the petition of at least twenty freeholders of the township of Providence, comprising within said act, in which the vacancy occurs; that all acts and parts of acts, inconsistent herewith, be and the same be hereby repealed."

TRANSFERS THE POWER.

It is clear that the supplement transfers the power to fill vacancies from the Court of Quarter Sessions of Luzerne county to the President Judge of the Court of Common Pleas, and that the power to fill a vacancy, to wit, by petition. Does the section quoted do more than this? What is meant by the word "legislative expression of a vacancy occurring 'at the expiration of the term' when the organic law of the district provides for the election of directors by the people at regular periods? We shall endeavor to answer this question in the further discussion of the case.

The first important question raised by the relator refers to the constitutionality of the supplement of 1864. It is claimed that the supplement is unconstitutional because it violates the constitutional amendment of 1864, which provides that no bill shall be passed by the legislature, containing more than one subject, which shall be clearly expressed in the title. More than thirty years have elapsed since this supplement was placed upon the statute book. It came before Hand J., for construction in 1884. Under it, poor directors have been appointed since 1866, but during all these years no attack has been made upon its constitutionality.

"The question is now raised for the first time, whether the general principles must at all times be kept in view in considering the constitutionality of a statute. All statutes should be considered as if they were made rather than ignore them. One section of statute may stand the test of judicial scrutiny, while another section may fail. The unconstitutional construction of a statute and its acquiescence in the operations of its provisions will often save it from the destructive attack of the strict constructionist. But we need not rely particularly upon these general principles in this case, because we are of the opinion that the supplement of 1864 fairly meets the requirements of the constitutional convention of 1857-8, and rejected, because it was feared it would render

legislation too difficult and uncertain and lead to litigation. It will not do, therefore, to impute the legislation of the statute upon the sharp point of criticism, but we must give each title, as it comes before us, a reasonable interpretation, ut res magis valeat quam pereat.

If the title fairly gives notice of the subject of the act, so as reasonably to lead to an inquiry into the body of the bill, it is all that is necessary. It need not be an index to the contents, as has often been said. But on the other hand it should not mislead or tend to divert inquiry into the contents, as was held in the case of the Union Passenger Railway company, decided at Philadelphia in 1875. In view of this current of decision, we cannot say that this title is too vague or is misleading. It substantially, though without particularity, described the subject of the act and its purpose.

The subject is further discussed in State Line and Juniata Railroad Company's Appeal, Pa. 42, in 1879. The legislature passed "An act to incorporate the State Line and Juniata Railroad," and supplements were passed in 1871 and 1872. In the case of this bill it is laid down that where the legislation in the supplement is germane to the subject of the original bill, the object of such supplement is sufficiently expressed in the title. Paxson J., found on investigation that from 1864 to 1875 about 1000 amendments and supplements were passed by the legislature.

SHOWS THE CONSTRUCTION. He says: "This is important, not only as showing the extent of the incorporation to be made, but also as exhibiting the uniform construction placed upon this section (amendment of 1864) by the legislature and executive departments of the government. While we are not bound by their construction, it is nevertheless entitled to weight, and should always be regarded with respect. It is the result of this unbroken current of legislation."

TROLEY ROAD CANNOT BE BUILT

JUDGE GUNSTER CONTINUES THE INJUNCTION.

Is of the Opinion That There Is Evidence of Bribery in the Manner in Which the Councilmen of Old Forge Were Dealt With by the Officials of the Company—Council Passed the Franchise Ordinance Over the Veto of the Burges. Testimony is Invalid.

In the equity case of Charles J. Keogh and others, taxpayers of Old Forge borough against the Pittston & Scranton street railway company, Judge F. W. Gunster continuing the preliminary injunction heretofore granted, Judge Gunster is of the opinion that the franchise to construct the road was obtained by bribery. His opinion is as follows:

The plaintiffs are residents and property owners of the borough of Old Forge, in this county. The defendant is a corporation purporting to have been incorporated under the laws of 1889. The franchise to construct the road was obtained by bribery. His opinion is as follows:

CONCERNING RIFLE PRACTICE. Order That Has Been Issued by Colonel L. A. Watres.

The following order has been issued by Colonel L. A. Watres, of the Thirtieth ward:

Headquarters Thirtieth Regiment Infantry, Third Brigade, N. G. P. Camp, Scranton, Aug. 14, 1899.

I, Rees Watkins is hereby temporarily assigned to duty as inspector of rifle practice. He will be respected and obeyed accordingly.

The following matters pertaining to rifle practice for the season of 1899 are hereby published for the guidance of this regiment.

The season for practice on the several ranges controlled by the respective companies will be opened August 15, 1899, and continue until October 31. All qualifying scores must be shot under the supervision of the inspector of rifle practice, the range master, or some one authorized by the above named persons to take the scores; and under no circumstances will a qualifying score be accepted as certified by either of the above persons.

Richard Barton is hereby appointed assistant range master of the Dickson range, in the township of Providence, Luzerne county, to be in charge of the same from 1.30 p. m. to 5.30 p. m. daily, and the following rules will be observed:

The range will be open for use afternoons only, from 1.30 p. m. to 5.30 p. m. The range is for the purpose of qualifying in the forenoon for the purpose of qualifying in the afternoon. The range master will be allowed the privilege of giving out the range unless the range master or defraying the expense of markers. No one shall use the range unless the inspector of rifle practice, the range master, or some other authorized person is in charge.

There being no days set apart as special qualifying days, members of the regiment desirous of shooting in the forenoon for the purpose of qualifying will be allowed the privilege of giving out the range unless the range master or defraying the expense of markers. No one shall use the range unless the inspector of rifle practice, the range master, or some other authorized person is in charge.

Every man who has never before qualified as a marksman will be required to shoot at three ranges—100, 200 and 300 yards. The first range shall be at 100 yards, five consecutive shots at each range, beginning always at the 100 yard range, and never firing at a longer range until the shorter range is completed at the next shorter range.

Recruits who have enlisted since October 31, 1897, and who succeed in making a total of 200 hits at the 100, 200 and 300 yards, five consecutive shots at each range, shall be rated as a third-class marksman, and may re-enter the same season for qualification in the higher class.

It is understood that the soldier may practice from time to time during the season, but when he proposes to qualify he must declare his intention of so doing to the officer in charge of the range, before he fires the first shot on his score.

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Copenhagen Ware...

An opportunity to buy such goods at one-third below regular value. The story which leads up to the opportunity to buy such goods doesn't interest you. That's our affair. It's the price we sell them at that is of importance to you. They are of very fine China, each stamped with trade mark of factory, the decorations exquisite, individual Butters, etc. Manicure Trays, 50c. Comb and Brush Trays, 75c. Bisque Jars, 30c. Salad or Fruit Dishes, 87c. Cake Plates, 87c. Jelly

China Hall.

Millar & Peck, 134 Wyoming Ave. "Walk in and look around."

DIVORCE MILL DID A BIG DAY'S WORK

SIXTEEN UNHAPPY COUPLES WERE SET FREE.

Two Other Divorces Are as Good as Granted, Rules for Divorces Having Been Made Absolute—Proceedings Stayed in the Case of Duffy Against Duffy—Four Applications for Divorce Were Filed Yesterday. Those Who Ask to Have the Chains of Matrimony Stricken Off.

Lackawanna county's divorce mill did its greatest day's work yesterday. Sixteen absolute divorces were granted and rules for divorces in two other cases were made absolute. All that now remains to be done is to draw formal decrees in these two